

AMENDED

Serial No. 61315

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office. JUN 15 1995
 Returned to applicant for correction. JUL 11 1995
 Corrected application filed. AUG 01 1995 Map filed. AUG 01 1995

The applicant. Hospah Coal Co.
 P.O. Box 190 of Battle Mountain
 Nevada 89820
 hereby make s. application for permission to change the
 place of use and manner of use
 of water heretofore appropriated under Permit 56400
 Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
 identify right in Decree.

- The source of water is underground
Name of stream, lake, underground spring or other source.
- The amount of water to be changed. 3.0 c.f.s.
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
- The water to be used for mining, milling, dewatering, and domestic purposes
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for mining, milling, and domestic purposes
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point. within the NW 1/4 NW 1/4 of Section 4, T.31N.,
Describe as being within a 40-acre subdivision of public survey and by course and
 R.47E., M.D.B. & M. or at a point from which the NW corner of said
distance to a section corner. If on unsurveyed land, it should be stated.
 Section 4 bears N 43°54'42" W a distance of 1,532.73 feet (see remarks).
- The existing permitted point of diversion is located within unchanged
If point of diversion is not changed, do not answer.
- Proposed place of use. See attached Exhibit "A"
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
- Existing place of use. Sections 1-5, 8-15, and 23, T.31N., R.47E., M.D.B. & M. and
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
 Sections 32-34 and 36, T.32N., R.47E., M.D.B. & M.
manner of use of irrigation permit, describe acreage to be removed from irrigation.
- Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
- Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
- Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drill well; install submersible pump,
State manner in which water is to be diverted, i.e. diversion structure,
 motor, distribution system, and storage reservoir
ditches, pipes and flumes, or drilled well, etc.
- Estimated cost of works in excess of \$100,000
- Estimated time required to construct works three (3) years

14. Estimated time required to complete the application of water to beneficial use five (5) years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

The original application and map have a mistake on the tie to the point of diversion as depicted and as described. It should read N 43°54'42" W.

Water will be used for mining, milling, and domestic purposes. This may include heap leaching, milling, dewatering, and domestic purposes.

Desert Mountain Surveying as agents

By John H. Milton III, P.L.S., S.W.R.S.

By s/ John H. Milton III

146 West Second Street

Winnemucca, NV 89445

Compared cl/bk cl/cmg

Protested _____

APPROVAL

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of the waters of an underground source as heretofore granted under Permit 56400 is issued subject to the terms and conditions imposed in said Permit 56400 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 52586, 61312, 61313, 61314 and 61315 shall not exceed 2,172.0 acre-feet annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.0 cubic feet per second, but not to exceed 2,172.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before April 30, 1997

Proof of completion of work shall be filed before May 30, 1997

Application of water to beneficial use shall be made on or before April 30, 1998

Proof of the application of water to beneficial use shall be filed on or before May 30, 1998

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed JUN 24 1997

Proof of beneficial use filed _____

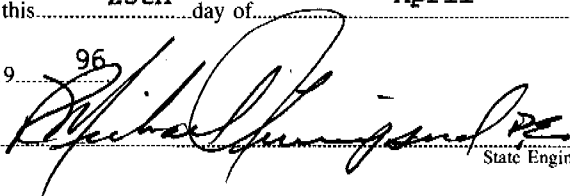
Cultural map filed _____

Certificate No. _____ Issued _____

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 25th day of April

A.D. 19 96


State Engineer

(PERMIT TERMS CONTINUED)

be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.

The permittee will revise the current monitoring plan to include the new point of diversion granted by this permit. As previously required, the monitoring plan must specify: (1) which sources are to be measured (2) the background information already gathered (3) the method of measurement, and (4) the projected frequency of measurements. The monitoring plan must show what, if any, impacts the pumping of water for this project has on existing rights.

The State Engineer will retain the right to require additional monitoring of water levels in observation and monitor wells and of flow rates of surface sources. The permittee, on a schedule acceptable to the State Engineer, will prepare and present an update on the activities of the mine and the monitoring on a periodic basis, but not less than two times per year.

Hospah Coal Co.
Amended Application 61315
Exhibit "A"
Proposed Place of Use

61315

Item 7.

Sections	Township	Range
27, 28, 33, and 34	T.32N.	R.46E.
3, 10, 11, 13, 14, and 24	T.31N.	R.46E.
8, 17, 20, 28-34, 36, and the E½ and E½ W½ of Section 18	T.32N.	R.47E.
1-23 and 26-30	T.31N.	R.47E.
36	T.32N.	R.48E.
1-12, 17, and 18	T.31N.	R.48E.
31	T.32N.	R.49E.
5-8	T.31N.	R.49E.